

ENTERED

November 29, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**ESTUARDO DE LOS REYES,
“Plaintiff,”

v.

STATE FARM LLOYDS,
“Defendant.”§
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Civil Action No. 1:22-cv-000071

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Before the Court are these pleadings: Defendant’s “Motion to Limit Attorney’s Fees” (“Motion”) (Dkt. No. 1-2 at 35-36), Plaintiff’s “Response” to Defendant’s Motion, with accompanying exhibits (Dkt. No. 19), Defendant’s “Reply” with an exhibit in support of its Motion (Dkt. No 20), and Plaintiff’s “Sur-Reply” (Dkt. No. 21). Along with these submissions, the Court received: (1) Plaintiff’s “Opposed Renewed Motion to Compel Appraisal and Abate Judicial Proceedings” (“Renewed Motion”) with exhibits (Dkt. No.18); (2) Defendant’s opposed “Motion to Strike Plaintiff’s Sur-Rely” (“Motion to Strike”) (Dkt. No. 22); (3) Plaintiff’s “Response to Defendant’s Motion to Strike.” (Dkt. No. 24); and the “Magistrate Judge’s Report and Recommendation” (“R&R”) (Dkt. No. 25). The R&R recommends this Court: (1) deny Plaintiff’s Renewed Motion (Dkt. No. 18); (2) grant Defendant’s Motion (Dkt. No. 1-2 at 35-36); (3) deny Defendant’s Motion to Strike (Dkt. No. 22); and (4) grant Defendant’s alternative request for “21 days to file a Response addressing Plaintiff’s request for a voluntary dismissal” (Dkt. No. 22 at 2).

No objections were filed by either party. When no objections are filed to a magistrate judge’s ruling, the district court applies the “clearly erroneous, abuse of discretion and contrary to law” standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Plaintiff’s Renewed Motion (Dkt. No.18) is **DENIED**. Defendant’s Motion (Dkt. No. 1-2 at 35-36) is **GRANTED**. Defendant’s Motion to Strike (Dkt. No. 22) is **DENIED**. Defendants alternative request “21 days to file a Response addressing Plaintiff’s request for a voluntary dismissal” (Dkt. No. 22 at 2) is **GRANTED**.

Signed on this 29th day of November, 2022.



Rolando Olvera
United States District Judge